

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRIS J. JACOBS, III,

Petitioner,

ORDER

v.

Case No. 16-cv-619-bbc

MARATHON CO. CIRCUIT COURT and
SENTENCING JUDGE DOUGLAS FOX,

Respondents.

Petitioner Chris J. Jacobs, III has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee.

Federal law does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether petitioner qualifies as indigent, any motion for leave to proceed without prepayment of the filing fee must include a certified copy of petitioner's inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately March 2, 2016, through the date of the petition, September 2, 2016.

Petitioner has also filed a motion for appointment of counsel. There is no right to counsel in federal habeas proceedings under § 2254. *See, e.g., Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). Rather, a district court may appoint counsel for a habeas corpus petitioner only where the petitioner is (1) "financially eligible" for such an appointment under the Criminal Justice Act (CJA), and (2) such an appointment would serve "the interests of justice." 18 U.S.C. § 3006A(a)(2). Petitioner did not submit any financial information and,

therefore, fails to meet the criteria. Accordingly, the court will deny petitioner's motion at this time.

ORDER

IT IS ORDERED that:

1. Petitioner Chris J. Jacobs, III may have until October 3, 2016, to pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee.
2. If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before October 3, 2016, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the action this petition.
3. Petitioner Chris J. Jacobs, III's motion for appointment of counsel is DENIED without prejudice.

Entered this 9th day of September, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge